

SAFE DRINKING WATER ACT

9-33-B. Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals

1. AUTHORITY.

a. To represent EPA in civil penalty adjudications conducted under the penalty section of Part B of the Safe Drinking Water Act (SDWA) and 5 U.S.C. Section 554;

b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;

c. To sign consent agreements;

d. To initiate appeals from administrative determinations; and

e. To represent the Agency in such appeals.

2. TO WHOM DELEGATED. The Regional Counsel. The Regional Counsel may assign one or more members of his/her staff to perform the functions which are the subject of this delegation in any particular action.

3. LIMITATIONS.

a. These authorities may only be exercised after the alleged violator either files an answer or fails to file a timely answer.

b. The Regional Counsel must obtain concurrence from the Assistant Administrator for Enforcement and Compliance Assurance or designee before initiating an appeal.

c. The Regional Counsel shall consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee any time he/she does not recommend an appeal of an adverse decision.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

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9-33-B. Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals (Cont.)

5. ADDITIONAL REFERENCES.

- a. Section 1414(g)(1) and (3) of the SDWA.
- b. Section 1445 of the SDWA.
- c. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- d. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
- e. 40 CFR Part 22.

6. SUPERSESSION. Delegations Manual, SDWA, Regional Delegation 9-33-B. Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals, 1200 TN RIII-62 (7-6-87).

Date 10/26/00

/s/  
Bradley M. Campbell  
Regional Administrator